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2010 SEP 29 P 2:38

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FREEDOM OF INFORMATION ACT  
INFORMATION OFFICE

CASE NO. 00857-10

A.PIN

10/28/10

Other

SEARCHED	INDEXED
SERIALIZED	FILED
OTHER	

10\_SPECIFIC\_INFORMATION\_NEEDED\_: Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, the Southern Environmental Law Center ("SELC") requests all documents in the possession or control of the United States Environmental Protection Agency ("EPA") that relate to the I-10 Mobile River Bridge project ("I-10 Bridge"), Alabama Department of Transportation project no. DPI-0030 (005). This project includes a new bridge over the Mobile River in Alabama, widening the I-10 Byway, and installation of new interchanges. These documents are to include, but are not limited to:

- 1) Any document relating to the decisions to narrow the build alternatives to "A, B, B', C" and no build for the Draft Environmental Impact Statement ("DEIS") due in the spring of next year.
- 2) Any documents relating to or concerning the route alternatives screening process for the I-10 Bridge.
- 3) Any documents relating to or concerning a "northern" route or routes and any documents relating to or concerning the study of the northern route(s).
- 4) Any documents relating to or concerning the Africa Town or Cocohran Bridge.
- 5) Any documents relating to or concerning the expansion of the I-10 Byway.
- 6) Any documents relating to or concerning the Environmental Assessment conducted for this project in 2003.
- 7) Any documents concerning or relating to the decision to use a route designated by the Alabama Department of Transportation as "B'", or B prime.

8) Any documents concerning the affects that the I-10 Bridge project might have on surrounding neighborhoods and communities.

9) Any permits, draft permits, or permit applications relating to the proposed I-10 Bridge

For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail in the possession or control of EPA.

11\_FEE\_:Up to \$25,

12\_FEE\_WAIVER:Yes

13\_FeeWaiver\_text:SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. McClellan Ecological Seepage Situation v. Carlucci, 835 F.2d 1282, 1284 (9th

Cir. 1987); Pederson v. Resolution Trust Corp., 847 F. Supp. 851, 855 (D.Colo.1994); Etlinger v. FBI, 596 F. Supp 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers...." Pederson, 847 F. Supp. at 855.

SELC is a 501(c)(3) non-profit organization with almost 25 years of experience disseminating public information regarding U.S. regulatory and operational issues. See 5 U.S.C. § 552 (a)(4)(A)(iii). SELC maintains a website that includes both general and topic-specific information regarding the matters with which SELC is involved. For example, SELC frequently publishes reports and issues press releases regarding its projects (See e.g., "Clean Air for the Birmingham Area",

[http://www.southernenvironment.org/uploads/publications/BAR\\_0909\\_Final.pdf](http://www.southernenvironment.org/uploads/publications/BAR_0909_Final.pdf), and "Four Environmental Groups Seek to Defend Greenhouse Gas Rule in Court" [http://www.southernenvironment.org/newsroom/press\\_releases/tailoring\\_rule\\_motion\\_to\\_intervene/](http://www.southernenvironment.org/newsroom/press_releases/tailoring_rule_motion_to_intervene/). Lawyers at SELC are routinely interviewed by the media to explain their work and its significance. (See, e.g., "Freeze on Offshore Drilling was Verbal Order," NPR, May 25, 2005, <http://www.npr.org/templates/story/story.php?storyId=127114044>.) SELC's website c

ontains documents generated by SELC for the specific purpose of educating the public on particular issues. (See e.g., "Alabama Water Agenda; Guiding the Way to Healthy Waters"

[http://www.southernenvironment.org/uploads/publications/al\\_water\\_agenda\\_jan07.pdf](http://www.southernenvironment.org/uploads/publications/al_water_agenda_jan07.pdf). SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites.

All of this information is available for free to any interested member of the public. SELC staff members also educate the public by speaking at conferences and other public meetings about environmental and natural resource issues in the Southeast. A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of potential or proposed major policy incentives. SELC further certifies that disclosure of the information sought is not primarily in the commercial interest of the requester.

Should SELC's request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. However, I request you contact me before processing this request if the fee is expected to be in excess of \$100. SELC reserves its right to appeal a fee waiver or reduction denial.

15\_ExpeditedWaiver\_text

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